

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

THE CONTENTS OF A BLACK-COLORED METAL CONTAINER, etc.,

Defendants.

2:04-cv-0164-LDG-GWF

ORDER

Plaintiff United States has filed a motion to strike claimant Centravel's petition requesting hearing to adjudicate validity of petitioner's interest in defendant property (#37, reply #40) and a motion for default judgment of forfeiture (#41).

As the United States' motion to strike indicates, Centravel failed to timely file and serve and answer to the complaint for forfeiture as required by 18 U.S.C. § 983(a)(4)(B) and Fed.R.Civ.P. Supp. R. C(6)(a)(iii). Such a failure precludes a party from establishing standing in a forfeiture action, even though the party has previously filed a claim. See United States v. Lido Motel, 135 F.3d 1312, 1317 (9th Cir. 1998). Moreover, Centravel has filed no opposition in this case to the United States' motion to strike, see LR 7-2 (d) (the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion), even though the United States raised the failure to file such a response over five months ago. Accordingly, the court will grant United States' motion to strike.

Good cause appearing, and no oppositions having been filed, the court will also grant the United States' motion for default judgment of forfeiture.

THE COURT HEREBY ORDERS that the United States' motion to strike claimant Centravel's petition requesting hearing to adjudicate validity of petitioner's interest in defendant property (#37) is GRANTED.

THE COURT HEREBY ORDERS that the United States' motion for default judgment of forfeiture (#41) is GRANTED. The court approves and will sign the proposed default judgment of forfeiture (attached to the motion) forthwith.

THE COURT FURTHER ORDERS that the United States' unopposed stipulation for entry of judgment of forfeiture and order (#32) is APPROVED, and will be signed forthwith by the court.

DATED this 29 day of March, 2007.

Lloyd D. George
United States District Judge